

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
RALEIGH DIVISION**

**IN RE:
MATTHEW JAMAL WINSTEAD,

DEBTOR**

**CASE NO.: 19-05444-5-DMW
CHAPTER 13**

**TRUSTEE'S OBJECTION TO CLAIM, NOTICE THEREOF,
AND CERTIFICATE OF SERVICE**

NOW COMES, John F. Logan, Standing Chapter 13 Trustee, and hereby objects to the following proof of claim for the reasons set forth below:

Creditor	Claim #	Date Filed	Amount	Status	Collateral
Performance Finance	1	12/3/19	\$13,624.97	Secured	2018 Indian Scout

1. The Creditor has not attached sufficient documentation to the claim to establish it has a properly perfected security interest in the Collateral. The claim therefore fails to comply with Fed. R. Bankr. P. 3002(d).

2. The claim has not been executed and filed in accordance with the Federal Rules of Bankruptcy Procedure and therefore should be disallowed as a secured claim, and allowed as a general unsecured claim.

WHEREFORE, based on the foregoing, the Trustee respectfully requests that the Court enter an order allowing said claim as a general unsecured claim.

DATED: December 4, 2019

s/ John F. Logan
John F. Logan, Chapter 13 Trustee
P.O. Box 61039
Raleigh, N.C. 27661-1039
Tel: 919-876-1355
mburnett@ralch13.com

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IN RE:

MATTHEW JAMAL WINSTEAD,

**CASE NO.: 19-05444-5-DMW
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DEBTOR

NOTICE OF OBJECTION TO CLAIM

John F. Logan, Chapter 13 Trustee, has filed an objection to your claim in this bankruptcy case.

Your claim may be reduced, modified, or eliminated. You should read these papers carefully and discuss them with your attorney, if you have one.

If you do not want the court to eliminate or change your claim, then on or before **JANUARY 6, 2020** you or your attorney must file with the Court, pursuant to Local Rule 9014-1, a written response, an answer explaining your position, and a request for hearing at

U.S. Bankruptcy Court, P.O. Box 791, Raleigh, NC 27602.

If you mail your response to the court for filing, you must mail it early enough so that the Court will **receive** it on or before the date stated above.

You must also send a copy to:

Objector's Attorney's Name & Address:	JOHN F. LOGAN, CHAPTER 13 TRUSTEE PO BOX 61039 RALEIGH, NC 27661
Name & Address of Others to be served:	JOHN T. ORCUTT, ESQ. 6616-203 SIX FORKS ROAD RALEIGH, NC 27615

If a response and a request for hearing is filed in writing on or before the date set above, a hearing will be conducted on the objection to claim at a date, time and place to be later set and all parties will be notified accordingly.

If you or your attorney do not take these steps, the Court may decide that you do not oppose the objection to your claim.

DATED: December 4, 2019

s/ John F. Logan

John F. Logan, Chapter 13 Trustee
N.C. State Bar No.: 12473
P.O. Box 61039
Raleigh, NC 27661
Tel: 919-876-1355

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IN RE:

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DEBTOR

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CERTIFICATE OF SERVICE

I, William Christensen, of P.O. Box 61039, Raleigh, NC 27661-1039, do certify:

That I am and at all times hereinafter was, more than eighteen (18) years of age; and

That I have this day served a copy of the **Trustee's Objection to Claim and Notice Thereof** upon all interested parties in this action by depositing a copy of same in a postage paid envelope with the United States Postal Service addressed to:

John T. Orcutt, Esq.
6616-203 Six Forks Road
Raleigh, NC 27615

Performance Finance
Wayfinder BK as agent for Performance Finance
Attn: Officer/Managing Agent
PO Box 64090
Tucson, AZ 85728-4090

Matthew J. Winstead
5600 Continental Way
Raleigh, NC 27610

or if such interested party is an E-Filing User, by serving such interested party by electronic transmission, pursuant to Local Rule 5005-4(9)(b).

I certify under penalty of perjury that the foregoing is true and correct.

EXECUTED ON: December 4, 2019

s/William Christensen
William Christensen
Claims Analyst